



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,548	09/30/2003	Walter Karl Stavenjord	KEGB:003US	5963
32425	7590	02/09/2006	EXAMINER	
FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,548	STAVENJORD, WALTER KARL	
	Examiner	Art Unit	
	Phi D. A	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/04, 7/1/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-7, 9, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 “at least one linear end edge” is confusing. It is unclear if the first or the second piece is claimed.

Claims 7 “said upper face and said lower face” is lacking antecedent basis.

Claims 9, 11 “said upper face” is lacking antecedent basis.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugh (888530).

Pugh (figure 5) shows a casing system comprising a generally flat first casing piece (20 left) having an outer face, an inner face, a pair of linear side edges (where 34, 24, 22, 32 locate), a pair of linear end edges (where 31, 21, 33 locate), at least one of the linear side edges and at least one of the linear end edges being provided with a continuous decorative profile (the curving and grooves), a second casing piece (20 right) having an outer face, an inner face, a pair of linear

Art Unit: 3637

side edges(where 34, 24, 22, 32 locate) and a pair of linear end edges(where 31, 21, 33 locate), at least one of the linear end edges being provided with a reverse image of the continuous decorative profile, the first piece being adapted to be joined to the second piece by engagement of the profile of the first piece to the reverse image of the profile of the second piece, both the linear side edges of the first piece being provided with the decorative profile, both the end edges of the first piece being provided with the decorative profile, at least one of the linear edges of the second piece being provided with the decorative profile, both the linear end edges of the second piece being provided with the reverse image of the profile; at least one linear end edge is milled with the decorative profile and the other linear edge is milled with a reverse with a reverse image of the decorative profile, the decorative profile comprising a sloping surface extending from the upper face to the lower face in at least two stages (per the curve of a and b), each stage (the first stage being concave, the second stage being convex) of the sloping surface comprising a profile that is a convex profile and a concave profile, the upper face of the first piece having a decorative structure extending outwardly of the side and end edges (part 21 and part 23), at least one additional first casing piece and at least one additional second casing piece (inherently so as the casing piece 20 is lay continuously to cover a large surface), the upper face of the second piece having a decorative structure (where the top of part a is) extending inwardly of the end edges, an end edge of the first piece is adjoined to the end edge of the second piece by means of engagement of the decorative profile milled into the end edge of the first piece with the reverse image of the decorative profile milled into the end edge of the second piece.

3. Claims 1-5, 7-8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gascho (4787185).

Art Unit: 3637

Gascho (figure 4) shows a casing system comprising a generally flat first casing piece (top part) having an outer face (59), an inner face, a pair of linear side edges (where 70 is and the opposite side thereof) and a pair of linear end edges (the end faces of the top part), at least one of the linear side edge and at least one of the linear end edges being provided with a continuous decorative profile, a second piece (figure 4, the part as indicated by 54) having an outer face, an inner face, a pair of linear side edges and a pair of linear end edges, at least one of the linear end edges being provided with a reverse image of the continuous decorative profile (the reverse image of a flat surface is also a flat surface), both of the linear side edges of the first piece is provided with the decorative profile, both of the end edges of the first piece being provided with the decorative profile, at least one linear edges of the second piece being provided with the decorative profile, both of the linear end edges of the second piece being provided with the reverse image of the decorative profile, the decorative profile comprising a sloping surface (figure 2 shows the sloping surfaces per 22 and 18) extending from the upper surface to the lower surface in at least two stages, each stage of the sloping surface comprising a profile that is a convex profile and a straight linear profile, at least one additional first casing piece and at least one additional second casing piece.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3637

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh.

Pugh shows all the claimed limitations except for an instruction for assembling the parts to form a casing.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pugh to show an instruction for assembling the parts to form a casing because it is well known in the art to provide instructions for assembling and installing parts on site as such practice would allow users to easily assemble parts together.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different casing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Phi Dieu Tran A

2/4/06